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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION (C) NO.5060 OF 2006.

PETITIONER : Keshav Ram Dewangan 42 Yr. S/o. Late Abhay Ram Dewangan, Sri Tailors, Sundernagar Square, Raipur.
Defendant

Vs.

RESPONDENT : Smt. Biram Bai 51 Yrs. W/o Rupram Dewangan, Lakhenagar, Raipur.
Plaintiff

Present: Shri Raja Sharma, learned counsel for the petitioner.
Shri B.P. Sharma, learned counsel for the respondent.

ORAL ORDER
(Passed on 5th October, 2006.)

The petitioner is the defendant-tenant in Civil Suit No.53-A/06 on file of the Court of the VIII Civil Judge, Class-II, Raipur. The application made by the petitioner-defendant under Order 8 Rule 1A (3) of CPC has been rejected by the learned trial Judge by the order impugned in this writ petition filed under Article 226 of the Constitution of India.

(2) Having heard the learned counsel for the parties, I am of the considered opinion that learned trial Judge is not justified in rejecting the application for the reason stated by him in the impugned order. Since respondent-plaintiff/land-lady sought eviction of the petitioner from the scheduled premise on the ground that the same is required for the use of her son who is unemployed, the defendant wanted to produce certain photographs to show that the son of the plaintiff does not require the petition schedule premise and he is already in occupation of some other premise for his purpose. In the circumstance, I allow the writ petition, set aside the order of the learned trial Judge and allow the application filed by

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the petitioner under Order 8 Rule 1A(3) of the CPC as prayed for. Learned trial Judge is directed to try and dispose of the suit itself, as expeditiously as possible, in any event, within a period of six months from the date of receipt of a copy of this order.

Sd/-
Chief Justice